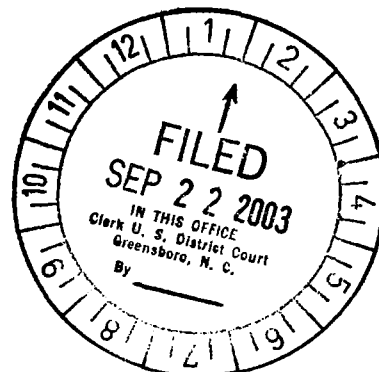


UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:03CV00079

DAVID S. COLIN, et al.,)
)
Plaintiffs,)
)
v.)
)
MARCONI COMMERCE SYSTEMS)
EMPLOYEES' RETIREMENT PLAN, et)
al.,)
)
Defendants.)



**ORDER DISMISSING WITH PREJUDICE ALL CLAIMS BY PLAINTIFFS AGAINST
THE MARCONI USA EMPLOYEES' RETIREMENT PLAN**

Based on the stipulation of the parties pursuant to Rule 41 of the Federal Rules of Civil Procedure, it is hereby

ORDERED that Plaintiffs' claims against the Marconi USA Employees' Retirement Plan as well as all claims against the Marconi USA Employees' Retirement Plan arising from the same transactions alleged in the Complaint are hereby DISMISSED WITH PREJUDICE. It is further

ORDERED that, with respect to the prosecution and defense of plaintiffs' claims against the Marconi USA Employees' Retirement Plan, each party shall bear its own attorneys' fees and costs.

Done this 22nd day of September, 2003.

UNITED STATES DISTRICT JUDGE